

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

BRUCE A. ROATH,)	
)	
Petitioner,)	
)	
v.)	No. 4:07CV01105 ERW
)	
DAVE DORMIRE,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

Before the Court are petitioner's motions for declaratory judgment and to vacate the Court's judgment.

On June 6, 2007, petitioner, a state prisoner at Jefferson City Correctional Center, filed an application for writ of habeas corpus.¹ Although petitioner had previously been denied habeas relief by the United States District Court for the Western District of Missouri, he filed the instant action alleging that the Western District's Order denying him relief was procured by fraud. This was the third time petitioner had sought to overturn the denial of his application for writ of habeas

¹Although petitioner denoted in his application for writ of habeas corpus that he was bringing his motion pursuant to 28 U.S.C. § 2241, the Court interpreted the motion as one brought pursuant to 28 U.S.C. § 2254 because a petitioner in custody pursuant to the judgment of a State court can only obtain habeas relief under the latter statute.

corpus in this district, despite having twice been denied leave, by the Eighth Circuit Court of Appeals, to file a second, or successive, habeas petition. See Roath v. Kemna, 4:06CV1551 RWS (E.D. Mo.); Roath v. State of Missouri, 4:07CV48 TCM (E.D. Mo.); In re Roath, No. 00-2620 (8th Cir. August, 18, 2000); In re Roath, No. 00-3976 (8th Cir. May 4, 2001). Accordingly, the Court dismissed petitioner's application for writ of habeas corpus and denied him a certificate of appealability.

On August 29, 2007, petitioner appealed the Court's dismissal of his habeas petition. On October 29, 2007, the Eighth Circuit Court of Appeals dismissed petitioner's appeal. On December 3, 2007, the Court of Appeals additionally denied petitioner's application for writ of mandamus. Despite this procedural end to petitioner's quest to file a fourth petition for writ of habeas corpus in this district, petitioner now motions the Court for a "declaratory judgment" and to "vacate [the previous] judgment," again asserting that the Western District's original ruling on his habeas petition was "procured by fraud." Petitioner's requests will summarily be denied. Moreover, he shall not be allowed to file any additional motions in this closed case.

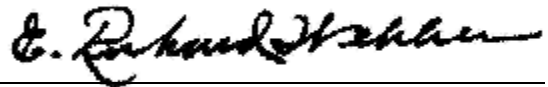
Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for declaratory judgment [Doc. #19] is **DENIED**.

IT IS FURTHER ORDERED that petitioner's motion to vacate the Court's judgment [Doc. #20] is **DENIED**.

IT IS FURTHER ORDERED that petitioner may not file any additional motions in this closed case.

So Ordered this 3rd Day of January, 2008.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written over a horizontal line.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE